

REMARKS

The present invention is a system comprising a desktop and a cellular mobile phone, a user of a cellular mobile phone having a radio receiver and/or digital audio player and a cellular mobile phone. In accordance with the embodiment of the invention, the system comprises a desktop stand comprising a loudspeaker 40 and a connection 33 and 33' connecting the loudspeaker to an audio signal from a cellular mobile phone, the cellular mobile phone 50 comprising a radio receiver and/or digital audio player for producing the audio signal, the cellular mobile phone further comprising a connection 77, 77' for routing the audio signal to the loudspeaker, a timer or clock to activate the radio receiver and/or audio signal to route the audio signal to the loudspeaker, and a control 31 for temporarily interrupting the audio signal.

Claims 22-28, 30-35, 39-43, and 46-48 stand rejected under 35 USC §103 as being unpatentable over U.S. Patent No. 6,314,303 (Phipps) in view of U.S. Patent No. 4,481,382 (Villa-Real) further in view of United States Patent 3,938,047 (Okanobu). These grounds of rejection are traversed for the following reasons.

The Examiner's Response to Arguments reasons as follows:

Applicant's arguments filed 07/19/2204 (sic) have been fully considered but they are not persuasive.

As to claim 22, Applicant argues that the combination of Phipps and Villa-Real fails to teach the control for temporarily interrupting the audio signal from the loudspeaker. Examiner agrees with applicant (emphasis added). However, the combination of Phipps, Villa-Real and Okanobu teaches the claim limitation (ie. the control for temporarily interrupting the audio signal from the loudspeaker). See Okanobu (see col. 2, lines 19-68, col. 3, lines 1-5).

In addition, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation (to provide a portable cellular phone with multiple uses is found in Villa-Real col. 1, lines 40-47) (emphasis added).

As to claims 33, 34, 38, Applicant argues that the combination of Phipps and Villa-Real fails to teach the control for temporarily interrupting the audio signal from the loudspeaker. Examiner agrees with applicant (emphasis added). However the combination of Phipps, Villa-Real and Okanobu teaches the claim limitation (ie. the control for temporarily interrupting the audio signal from the loudspeaker). See Okanobu (see col. 2, lines 19-68, col. 3, lines 1-5) (emphasis added).

As to claims 23, 24, 25, 28, In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

As to claims 29, 36, 44, 45, Applicant argues that Chang does not cure the deficiency with respect to the combination of Phipps and Villa-Real. Examiner agrees with applicant. However, the combination of Phipps, Villa-Real and Okanobu teaches the limitation of the amended claim (ie. the control for temporarily interrupting the audio signal from the loudspeaker). See Okanobu (see col. 2, lines 19-68, col. 3, lines 1-5). Therefore, the combination of Phipps, Villa-Real, Okanobu and Chang teaches the limitation of claims 29, 36, 44, 45 (see Chang col. 3, lines 25-49).

The Examiner's reliance upon Okanobu in combination with Phipps and villa-Real as rendering the claims obvious is erroneous for the following reasons.

Okanobu teaches a convention snooze push button 19 in a clock radio as described in column 2, lines 57-58, and elsewhere.

A person of ordinary skill in the art would not be motivated by the existence of a snooze button in a clock radio to make the proposed combination in the subject

matter of independent claims 22, 33 and 34. Claim 22 recites, *inter alia*, "a timer or clock to activate the radio receiver and/or audio signal player [which is contained in a cellular mobile phone] to route the audio signal to the loudspeaker; and a control for temporarily interrupting the audio signal from the loudspeaker". Similarly, claims 33 and 34 recite "a control on the desktop stand for temporarily interrupting the audio signal from the loudspeaker" with the audio signal being from the radio receiver or audio signal player within a mobile cellular phone. The snooze button of Okanobu would not be considered by a person of ordinary skill in the art to suggest the combination as recited in the aforementioned independent claims which includes a desktop stand including a cellular mobile phone comprising a radio receiver and/or a digital audio player for producing the audio signal with the loudspeaker as recited in claim 22; a method of use of a cellular mobile phone having a radio receiver and/or a digital audio player associated with the desktop stand having a loudspeaker comprising producing an audio signal using a programmable alarm clock which activates the radio receiver or audio signal player to route the audio signal which is played through the loudspeaker as a clock radio as recited in claim 33 and a mobile phone comprising the radio receiver and/or the digital player for producing an audio signal, a timer or clock to activate the radio receiver and/or the digital player to play the audio signal with the loudspeaker and the cellular phone comprising contacts which contact counterparts arranged on the desktop stand for routing the audio signal to the desktop stand as recited in claim 34. The combination as recited in the aforementioned independent claims requires the audio signal to emanate from the cellular mobile phone and be routed to a loudspeaker which is part of a desktop stand as recited in claims 22 and 33 and to the loudspeaker as recited in claim 34.

Villa-Real has been cited as teaching a mobile phone comprising a radio receiver and/or a digital audio player for producing an audio signal, a timer or clock to activate a radio receiver and/or audio signal player to route the audio signal from a loudspeaker. However, Villa-Real would not motivate a person of ordinary skill in the art to modify the teachings of Phipps which, like the present invention, pertains to a desk-type module. Villa-Real pertains to a single programmable telephone system providing preprogramming for transmitting information to a target party without the user of the telephone engaging in the telephone conversation. See column 9, lines 45-68, through column 10, lines 1-53. Nowhere is there described in Villa-Real, as recited in claims 22, 33 and 34, the routing from an audio signal from a cellular phone through a desktop stand to a loudspeaker a control temporarily interrupting an audio signal from being transmitted to a loudspeaker as recited in the claims.

It is submitted that the combination of Phipps with Villa-Real would not be obvious to a person of ordinary skill in the art with respect to the claimed subject matter. The proposed combination would lead to a phone and cradle combination in which PBX data is exchanged between memories with the handheld being charged on the cradle and the loudspeaker and microphone on the cradle are used for hands free operation. The timer would still be used to route music to other parties not through the loudspeaker which would not meet the limitation of a timer or clock to activate the radio receiver and the audio player to route the audio signal through a desktop stand to a loudspeaker as recited in claims 22, 33 and 34.

Moreover, the modification of Phipps and Villa-Real with Okanabu would not provide a motivation to utilize the snooze button involved with the routing of the

audio signal to the loudspeaker with the snooze button temporarily interrupting the audio signal emanating from the cellular mobile phone through a desktop stand to a loudspeaker as recited in claims 22, 33 and 34.

It is submitted that the Examiner's proposed combination of rejecting independent claims 22, 33 and 34 is based upon an impermissible hindsight reconstruction of the invention. The Examiner has suggested combination of three references which picks and chooses parts of the references to arrive at the subject matter of the independent claims. Only Phipps generally pertains to a desktop unit including the cradling of a mobile telephone in which sound may be channelled to a loudspeaker on a desktop stand. The proposed modification of Phipps with Villa-Real with Okanobu would not be considered by a person of ordinary skill in the art except by hindsight given that Villa-Real and Okanobu do not relate to art which is analogous to Phipps..

Dependent claims 23-28, 30-32, 35, 37, 39-43 and 46-48 define further aspects of the present invention which are neither anticipated or not rendered obvious by the proposed combination.

Claims 29, 34, 44 and 45 stand rejected under 35 U.S.C. §102 as being unpatentable over Phipps in view of Villa-Real, Okanabu further in view of United States Patent 6,317,491 (Chang). Chang has been cited as teaching a mobile phone with a display and real time clock. However, the teachings of Chang do not cure the deficiencies noted above regarding the combination of Phipps, Villa-Real and Okanabu.

Claim 38 stands rejected under 35 U.S.C. §103 as being unpatentable over Phipps in view of Okanabu. Claim 38, inter alia, recites, a control located on the

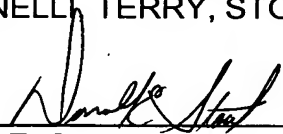
cradle for temporarily interrupting the audio signal from the loudspeaker with the audio signal emanating from the cellular mobile phone and the desktop stand comprising a loudspeaker. As pointed out above, the snooze button of Okanabu would not be combinable with the teachings of Phipps since a snooze button of the type as utilized in a clock radio would not be involved with the function of a control located on a cradle for temporarily interrupting an audio signal provided by a cellular mobile phone from a loudspeaker.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1149.40992X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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